

(13)

ENGLANDS COMMON-WEALTH,

Shewing *The Liberties of the People.*
The Priviledges of Parliament, and
The Rights of the Souldiery.

WITH
Epistles to the Persons mentioned, con-
cluding the severall parts hereof.

Written by *John Audley* a Preacher of the Gospel, and a well
wisher to them that imbrace it.

Prov. 29.2. When the righteous are in authority the people rejoice, but when the wicked are advanced, the people mourn.

Hebr. 13.17. Obey them that have the rule over you, and submit your selves that they may doe it with joy, and not with grieve,

Illud belli genus quod pro salute publicâ & religionis- incolumitate suscipitur, ita Christo acceptum esse, ut etiam presenti ipsius numine Administregur.

Christi religio exercitationem militarem non impedit: sed eam mirandum in modum confirmat: Cum omnem formidinem firmissima spe immortalitatis eripiatur, & ad veram gloriam incredibiliter inflamat.

Soli qui ad Christum adspirant & verum finem respiciunt, fortes & magnanimi sunt extimandi. Osorius de Nobilitate Christianâ. lib.ter.

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the Crown in Popes-head Alley, 1652.

E ve's sin, man's snare; man's help's the woman's seed,
N o man lost by her, Christ did help at need.
G ood out of evil came, scape out of snare,
L ove hath found out the way to man most rare.
A ll men may now see, how that the wise God
N ew wayes doth take, to comfort with a rod.
D id mans first healing by Christ's bruises come?
S o peace by war becommeth Englands Doone.

C ome people, see what wonders God hath wrought,
O ut of death life, he well to light hath brought:
M ind well his workes, who curse to blisse did turn.
M an of all creatures, hath no cause to mourn.
O wn God with us, yee Nations o're the world,
N o God like ours in mercy so extol'd.
W ell may the Kingdoms fear, and stand in awe,
E aters give meat, from strong we sweetnes draw,
A ll laud to God, who hath our tunes thus turn'd;
L ord! who can tell, how long thy people mourn'd?
T ill thou didst change their sighs into a song
H igh in thy praise this Commonwealth among.

J. A.



To his Excellency the Lord Generall CROMWELL.

My Lord:



Our just dealing with your Adverfaries, is matter of reall Honour to your Person, your enemies themselves being Judges; your instructing the ignorant, your rebuking the obſtinate; your remitting the Penitent, your protecting the Innocent, your keeping Covenant, and conditions of Articles with all men, have manifested your proceedings both of Warre and Peace, to be truly Honourable to them, but especially to us, who have heard how *Judah-like you have ruled with God, and have been faithfull with the Saints*, Hos. 11. laſt. Your ſilence before the Lord (when a cloud was upon the Campe) had great confidence, when the Lord went before you like a Pillar of Fire by night, ſhining upon your wayes, and telling you, that you ſhould be to your enemies, as *Threshing instruments with teeth*, Isa. 41. 15. and this your confidence in God, what boldneſſe wrought it before the Battle? and what humblenesſe of minde after the Victory? refuſing honour of men, when God had put glory upon you, in ſight of all the world. It hath been ſaid, *Before honour goeth humility*, Prov. 15. 22. That may be an humblenesſe, as of neceſſity; but that humblenesſe which followeth honour, is ever matter of laſting praise; for, *Honour upholdeth the humble in ſpirit*, Prov. 29. 23. and victory over a mans ſelſe is the greateſt conqueſt:

"Fortior est quise, quam qui fortissima vincit Menia."
Yea, this your confidence uttered did put life into your Counſels, courage into your Resolutions, & made your Forces more forcible

The Epistle

forcible and active, so, as they did the work of the Lord effectually, both against the Presbyterian interest, at Dunbar, and the Royall interest at Worcester, *For there fell downe many slaine, because the war was of God,* 1 Chro. 5. 22. *God is the judge himself,* to whom both parties at Dunbar made their appeals, *God hath pleaded the cause of his people,* and since these appeals hath given sentence for you now twice, *By this I know thou favourest me, because mine enemies doe not triumph over me,* Psal. 41. 11. The issue must no longer passe under the vaine titles of meer events and chances of war: *The Kingdom is the Lords, and he is the governour among the people, all the ends of the earth shall come and declare righteousness unto a people that shall be borne, that he hath done this.* *All men shall heare and feare, and declare the worke of God,* for they shall wisely consider that it is his doing. *The righteous shall be glad in the Lord, and shall trust in him, and all the upright in heart shall glory,* Psal. 64. 9, 10.

It hath been the wonder of all lands, to hear of *England*, how the meek of the earth here have formerly borne all manner of yoks and oppressions under Royal and Episcopal Rulers, and how they have lately risen like Gyants and men of might, for recovering their liberties, to defend their just rights and to bring wrong doers to condigne punishment. As if the judgement (against *Moab*) written, had been sealed upon their hearts, *Cursed is he that doth the worke of the Lord negligently, and cursed is he that with-holdeth his sword from blood,* Jer. 48. 10. Neither regarding Nature, nor Nations, that they might execute Gods judgements against an *Idolatrous people.* And 'tis observable, God had said *distresse not Moab,* Deut. 2. 9. til *Moab* had thus sinned. But after *Moab* had committed Idolatry (a sin against the Nation of *Israel*,) he shall bear his curse, that spares *Moab:* any former command of God to the contrary notwithstanding. Sinfull mens changes justifie God and good men, in these great changes of times.

Now *England* is delivered from her enemies, and the people dwell safely through the mercy of God under your hand, I humbly desire this, that after all publicke expeditions against open enemies, you may (now) keep your selves from *foes of your own household, from friends of your owne Councell;* for Christ himself

Dedicatory.

was betrayed with a kisse, wounded in the house of his friend; Gallant Judas was treacherously slaine by Demetrius: And good Jonathan captivated by Triphon pretending kindnesse to him. Maccab, 9.18. and chap.12,13. "Cura te ipsum,cautus esto,nè fidas. Set the Lord God alwayes before you, waite for his counsell; let impartiall justice be your greatest designe, and go on in this thy might, be not perverted by envy or flattery of men, So run that you may obtaine, in due time you shall reap, if you faint not. You (now) chuse affliction with the people of God, and hereafter you shall with them partake in the recompence of reward, when the dead in Christ shall rest from their labours, and their works follow them.

For my selfe, that which made me write, was, that others might not be burdened, and I eased, for "Nullum genus criminis
" delitatis majus quam in communis periculo esse negligens. That which caused these my humble addresses to your honour, was, to answer the querulousnesse of some persons, who have bid defiance to the Armies of the living God, fixing their challenge upon my selfe, with whom after conference had, I appeared thus publickly, as a Souldier in the field, that waiteth his enemies motion. Yet being little as David, to encounter with the great Goliab's of the adverse part, I herein crave your Lordships wonted patronage, and hence forth Ishal hold on triumphing In Gods praises, who hath safeguarded your person, succeeded your Armies, and recovered our Liberties, and in my constant prayers shall ever remaine,

Your Excellencies most obliged, though most unworthy Servant in the patience of the Saints, and in the hope of the Goffell.

JOHN AUDLEY.

To the Reader.

Friendly Reader :

In this Treatise I have refused digressions, save only to follow the objectors wandrings : I have neglected invectives, (name and thing) to prevent thy prejudice ; I have also laid aside wisdome of words, not affecting vainly to glory in men, Simplex nudaq; veritas, and perfid men will looke to the matter. Likewise I have avoyded formes of words, and of things made ready to the hand, not willing to boast of another man's line. I have not made it my businesse to intermeddle in transactions past, viz. about the late King's execution, the House of Lords removing, the purging of the House of Commons ; for thy satisfaction in these, I referre thee to the Parliaments Declaration, for no more Addresse to be made to the King, to the Lord Presidents speech, afore the Kings Sentence, to Mr. Cookes appeale upon his Trial, to Eleutherius Philodemus his Vindication of the Parliament, and the Souldiery ; to Mr. Potters Vindication of the Army ; to the Army's Declaration on their last March into Scotland, and to my Lord Generall Cromwells Letters to the Ministers, and to the Gouvernour of Edengburgh Castle.

My Engagement herein is mainely for the Common-wealth of England, and the present Government thereof, as it now stands, willing to give thee some grounds, of the peoples Freedome, in stating of it, and of the justice of the Parliament, and the Army, in acting by the present Authority, for the information of all such persons, as doe not wilfully close their eyes against right Reasons, Truth, and Equity, yea, against the Scripture also, the rule of right. And how is it ? that of your owne selves yee judge not, what is right, Luk. 12. 57. Have not the faults of Kings made the people blamelesse, when they deposed and put some Kings to death ? see E. Philodemus giving thee instances for this in seven Nations. Be not partiall in your selves, but by their example learne yee to shun Idolatry, Blasphemy, Pride, Extortion, Rapine, wilfull Murder, and all other sins, for whch things sake God hath threatened with death evill Rulers, as he hath done other men. God will chasten

The Contents.

chasten with the rods of men, even Kings, if they commit ini-
quity, 2 Sam. 7. 14, 15. Be thou thankfull for the present Govern-
ment, and thy mercies thou hast under the same; at least be not grie-
ved, that there is a man (yea, many men) come, that seeke the
welfare of Englands Common-wealth.

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PART. I.

The Liberties of the People.

The Rise of Mans Freedome.

Sect. 1.

MA N is confiderable in a threefold Capacity ; of Nature, of Nation, and of Religion ; And he hath a threefold Liberty, according to his divers Capacity. In Nature a Liberty to preserve himselfe, as by the law of Nature : In the Nation, a Liberty to preserve himselfe and the people, as by the Law of his Nation : In Religion, a Liberty to preserve himselfe and the People of his profession, as by the Law of God, of Christ, and of the Gospell. Every English-man born hath the freedome of his Nature, and of his Nation ; but the Religious English-man, hath a right to be every way free, by all Lawes whatsoever.

The Lawes of Mans Freedome.

Sect. 2.

The Law of Nature is, That man should love himself; for, *no man ever yet hated himselfe, but nourisbeth and cherisbeth himselfe,* Eph. 5.29.

The Law of Nations is, That a man keep himselfe against the disorder of Creatures, not containing themselves within the bounds of Nature, *As yee would that men shoulde doe unto you, do yee also to them likewise,* Luk.6.31. All our National Laws are grounded on this, and relate to this.

The Law of God is, *To love the Lord thy God with all thy heart, soule, strength and minde; and thy Neighbour as thy selfe,*

B

Luk.

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Luke 10.27. Where the love of God, must be with the deniall of a mans selfe, and of his neighbour also. The love of God knowes no relations, where men love not God; that God in all things may be glorified through Jesus Christ. Religion, rebukes all manner of transgressions, in all sorts of men.

August. A
 ‘ mans neighbour, is as himself; and he loves his neighbour as himselfe.
 ‘ Dilexit in proximo, quod in se ipso diligit, & diligit proximum eandem ob-
 ‘ caniam, propter quam diligit seipsum. He (properly) loves his neighbour as himself, who in his neighbour loveth God and Christ, whom he loveth in himselfe, and who loveth his neighbour for Christs sake, for whose cause he loveth himselfe: God and Christ, in himselfe, and in his neighbour, is the rule of his love to both. Where the image of Christ shines more in his neighbour, he loveth him more then himselfe; but Christ he loveth most. And seeing the image of Christ defaced in his neighbour, or by him, he loveth him lesse, for the greater love that he bears to God. Like Levi’s son, who said to his Father and to his Mother, I have not seen him; neither did he acknowledge his brethren, nor know his own children, for they have observed thy word and kept thy Covenant, Deut.33.8,9. For that respect they bare to God and Christ, above themselves; They mortified all inordinate Affections, they had to their own kindred hating their own life, to follow Christ Luk.14.26. And thus David did, who loved perfectly, hated Gods enemies with perfect hatred, Psal.139.23. and punished those who hated God, whom they ought to have loved. A Slanderer, an high-looker, a proud hearted man I will not suffer: he that worketh deceit, shall not dwell in my house; he that telleth lies, shall not tarry in my sight: Psal. 101. 5,6,7.

Sect. 3.

The Properties of Freedome.

The first sort of these Freedomes is *Naturall*; and in perfect Nature, it was perfect Freedome. Then man loved God, for that man saw in the perfect nature of God, and had man persevered in that perfect state, man had been perfectly free to this day.

The second sort of Freedome, is *Con-naturall*, For though men be free-borne, yet are they borne under the Lawes of their

their Nation; and the lawes of our Nation do not annihilate, ^{Destroy.} but only determine our naturall freedome.

The third sort of Freedome is *ad-naturali*; because Religion addeth some thing to Nature, to regulate, and to order mans Freedom. The Law of God gives directions to perfect the freedome of Nature, and of the Nation; and sometimes gives reproofes to correct the imperfectnesse of them both. As men failed touching the law of Nature, so they fell under the Law of Nations; and as men failed of the law of their Nation, so they fell under the law of God, and as their sin was greater, so they fell under the severer rebuke and punishment; and greater offenders, the rather stood in need of the blood of Christ, *ad redemptionem*, to make a Purgation: Of the spirit of Christ, *ad resipiscientiam*, to make them know their sin and to repent of it: Of the Rod, *In correctionem*, for a reproofe among men for their scandalous offences against themselves, against the people, and against God: And when the sword of the spirit did not cut men off from their transgressions, but they brake all bands; then Nature took the help of Lawes, and men appealed for justice to them that bare the sword, to defend their naturall Liberties; and (for recovering the Nationall Freedome) did with the sword of the Magistrate punish offenders against God and the People; and the rather, when transgressors continued impenitent, implacable and irreconcileable.

The consequences of Freedome.

Sect. 4.

The Lawes of Nature, Nation, and of God, are subordinate one to another: God is above the people, and the people above a mans selfe. Personall and private interest, must give place to the Publike Interest of the People, and of the Commonwealth: And in the Cause of God, *Who is above all:* thy interest, and the Peoples interest also, must give way to the glory of God: Wherefore in the punishment of evill doers, private-pitty must give way to publike-safety of the people fearing God. *Pereat unus potius, quam unitas.* It is expedient for us, that one man should die for the People, that the whole Nation perishe not, John 11. 15. What (here) Cæaphas said

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In his policy, Christian Magistrates must doe in piety. For thus God himself took part with Nature, punishing *Caine* for shedding *Abels* blood, Gen.4. Burning *Sodom* and *Gomorrah*, for injury don to righteous *Lot* by that wicked people, Gen.19: Bringing in the flood upon the world of the ungodly, and saving *Noah* A Preacher of righteousness, 2 Pet.2.5.

Sect. 5.

Helps of Freedome.

First, God himselfe hath prescribed to all people Lawes to keep up Nature in Freedome, and to rebuke the unnaturall, Gen.9.6. who so sheds mans blood, by man shall his blood be shed; not by force and violence, but by course of Law. It is a Law of God, that respects not the persons of man: his blood must be shed, for the blood shed by him, who ever he be, Numb.35:30. No satisfaction may bee taken for him. After this, Nature began to helpe it selfe among the people; as in case of *Aduertry*, it is said, *It is an iniquity to be punished by the Judges*, Job 31.9.11. Then men made Covenants with one another, and bound them each to other with Oaths and Protestations. As between *Laban* and *Jacob*, Gen.31.48. and between *Abraham* and the families of *Escol*, *Aner* and *Adamre*, Gen.14.13. and this, in order to preserve the peace of their families, and to recover their rights from that people, that should infringe them. Hereupon when *Lot* was taken captive by *Cbederlaomer*, *Abraham* and his confederates made warre upon, and recovered *Lot* out of their hands vers.12,14,16. Also, *Jonathan* made a Covenant with *David*, because he loved him as his owne soule, 1 Sam. 18.3. and secured him against *Saul* his father, chap.20.4. entred a Covenant of the Lord, that whatsoeuer Davids soule desired he would doe it for him. vers. 12,13,16,17. David sware him v. 23. The Lord is between me and thee for ever, 41. Afterwards it became a matter of Religion in all sorts of Men and Nations, to keep their Covenants, Leagues, and Oathes between them made, and in case of breach, they did right themselves by punishing the offenders; even as *Israel* did justice on his brother *Benjamin*, and the men of *Gibeab*, for the rapine and murder committed upon the *Levites* wife, against that brother-hood that was between them, Judge 20. or else if they could not right themselves, and

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and recover their liberties : they did appeale to God to doe them justice, as *Jer. 15.15.* Ob Lord thou knowest, remember me, visit me, and revenge me of my persecutors : And David to *Saul*, The Lord judge between me and thee, and the Lord avenge me of thee *1 Sam. 24.12.* Thus *Jephthah*, when he and the children of Israel stood for their Rights against the King of Ammon, *Jephthah* said, What hast thou to doe with me ? I have not sinned against thee, but thou doest me wrong to war against me, the Lord the Judge, be judge this day between the children of Israel, and the children of Ammon, *Judg. 11.12.13-27.*

Also the Lawes of Nations, were still helped by the grace of God ; In things not declared, God gave Lawes a new ; for stoning the blasphemer, *Levit. 24.14,15,16-23.* and the Presumptuous Breaker of the Sabbath, *Numb. 15.32,34,35,36.* which both were kept in ward, untill a Law was given for them to suffer by.

The Principles of Freedome.

Sect. 6.

God the great judge of heaven and earth hath into Nature put such principles of Reason and common Equity ; as might conform Men and Nations in their dealings each with other, and punish such men as doe become unruly, and that after a religious sort ; for, although Religion be (in many things) above Reason, yet being not contrary to Reason; Religious men may be wise enough to judge between their brethren, *1 Cor. 6.5.*

Withall, God hath threatned *Truce-Breakers*; and said, he will fire *Tyres* for captivating Edom his naturall brother ; for that he remembred not the brotherly covenant, *Amos 1.9.* Yea, and punished such men as brake their Covenants and Leagues; sometimes by wicked persons, the *Philistims* wounded *Saul*, and *Saul* killed himselfe, *1 Sam. 31.4.* After hee had broken his Oath made, Not to harme *David*. Sometimes by godly men, *Jacob* shall be a fire, and *Joseph* a flame, and *Eisau* stubble, and they shall kindle, and devoure ; there shall not be any of the house of *Esai* remaining, because bee looked on the day of his brother, and stood up against him in the crosse way, *Obadiah 12-18.* And sometimes God hath (by himselfe) punished this sinne of

The Liberties of the People.

Trust-breaking, when the sufferers had no power in nature, or nation to right themselves. Pharaob promised Moses faire at their departure; *Goe, and blesse me also*, Exod. 12.31,32. But if *Ægypt* pursue *Israel*, not regarding his promise, their Armies shall be overthrowne in the sea, notwithstanding their great power, Exod. 14.9--28. there was not one of them left. A Caveat for the Scots, who brake Covenant with *England*, *vide part.2. Position 5.*

Sect. 7.

The Causes of Freedome.

Amel.Cas. li. 5. cap. 22. *Liberty is next to life. Libertas (in naturali estimatione) proxime accedit ad vitam ipsum*, and men have this liberty, by a divers right, *viz.* of Birth, of Purchase, and of Gift; and again men often make forfeiture of their liberties, *viz.* by gift, by sale, by force, by tyranny, by stealth, and by idlenesse.

1 There is a Liberty by Birth, which was *Pauls* freedome, *I was free borne*, Act. 22.28. Where a man is born to live, there he hath right to eate and to drinke, that he may live: and he hath a right to worke, that he may eate and drinke; yea, and a liberty to buy and to sel for his living, where he is born.

2 Some have their Liberty by Purchase, this was the Centurions case, *with a great sum of money obtained I this Freedome*, Acts 22.28. And having purchased their Liberty, they are in all things inable to doe for their livings, as men free-born, may doe.

3 Some have their Liberty by Gift, as when *Abraham* had rescued *Lot*, and the *Sodomites* that were carryed captive; the King of *Sodom* said, *Give me the persons, and take thou the goods*, Gen. 14.21.

Now looke, as men (thus) obtain the freedome of their persons, so their goods are their own proper right; to wit, the goods they possesse by inheritance, by purchase, by gift, or by their labour procured; no man may take them away to his owne use, without consent of the owner thereof. For God hath said, *Toou shalt not steale*, Exod. 20.15. *The Prince shall not take of the peoples inheritance by oppression*, to thrust them out of their possession, he shall give his sonnes inheritance out of his owne possession, that my people bee not scattered,

Ezek.

Ezek.48.18. Liberty doth not intrench upon Liberty ; Royalty, may not destroy the peoples Liberty ; the Princes Prerogative, cannot abolish the peoples Propriety. Naboths Vineyard was his owne inheritance, and he might chuse whether he would part with it or no, wherefore King Abab desired not to take it by force from him, but offered to buy his consent, and to give Naboth a better vineyard in exchange for his. And indeed, none but a Jezebel would wrest out of a mans hands, that possession, which God and Nature had made properly his owne : whether it be a possession of his wife, his children, or his estate, which is of lesse value, vide 1 King. 21.1--5. *Contra ius Divinum & Naturale nihil licet magistratus*, P. Martyr. The Magistrate may doe nothing to dispossesse a man of any thing which is the mans right from God or Nature.

* *Distinctio dominorum & proprietas possessionum est juris divini, juxta mandatum, non sursum facies, sicut, non licet ulli regi postulare alterius conjugem. Bucan. loc. de Magist. q. 75, 76, 77.* The distinction of rights, and the Propriety of possession is of divine right, According to that commandement *Thou shalt not steale.* And it is no more lawful for a King or any other Magistrate, at his pleasure, or, and for his own use to take away a mans goods (whereof hee stands lawfully possessed) no more then it is lawfull for a King to require another mans wife.

- 4 There is also a liberty by Gods Grace, Which puts the right of all things under the dominion of beleeving persons. *All things are yours, and you are Christs, 1 Cor. 3.22,23. they have Virs. jus ad rem, non jus in re;* they are, as having nothing, yet possessing all things, 2 Cor. 6.10. they are full and abound, who injoy Christ.

But however beleevers in Christ, have right to all, yet this right gives them no liberty to steale, or to take to themselves that which is another mans, nor to possesse themselves of any thing, more then becomes theirs by birth, gift, purchase, labour, or by conquest, Deut. 20.14. And in well-doing, the Lawes of God, Nature, and of Men are their protection in their just possessions, brethren, *you are called to liberty, use it not as an occasion to the flesh, but by love serve one another,* Gal. 5.17.

Againe,

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Againe, Mens Liberties are lost many waies; 1. Some give away their right in a Christian community, as they did their goods, *Acts 4.34.* 2. Some sell away their Birth-right, as *Esau* did *prophanely*, *Heb.12.17.* 3. Some idle away their time and estate too, *Houses and lands are the inheritance of fathers, but an idle soule shall suffer hunger*, *Provverbs 19.14.15.* 4. Some loose their liberties being conquered in war, *Deut.20.10,11,14.* 5. Some by tyranny of Princes in peace, as when *Saul* took to his own proper use (not for the peoples advantage). *Their daughters, their goodliest young-men, their fields, their vineyards, their seeds, their Servants, their sheep, after his pleasure*, *1 Sam. 8.11, 13,14,15,16,17.* which sheweth what Tyrants will doe, not what good Rulers ought to doe: How many other waies, a man may be put out of possession of his goods, as by stealth, robbery, &c. I now forbeare. Onely let me admonish, that having liberty of our persons, and estates, and religion (which is the greatest) use it not as a cloak of maliciousnesse, but as the Servants of God, *1 Pet.2.16.* For who is he that will harme you, if yee be followers of that which is good? *1 Pet.3.17.*

Sect. 8.

Obstinate Offenders forfeit their Liberty.

Obstinate offenders make themselves Bond-men; Such as will not be reclaimed, doe forfeit their Liberty. Some men there be, like the *unjust Judge; they neither feare God, nor care for men*: These neither chuse Rulers, nor obey them, being *unruly and disorderly*; the law is to try them, and Rulers that rule by Law are *a terror to evill-doers*; as they are Ministers of God, *for the praise of them that doe well*, *Rom. 13. 3,4,6.* Rulers are by the law of the Land to judge rotten members, in order to the peace of sound members, who did chuse or approve them; For they are Gods Ministers, attending continually on this very thing, and for this cause pay yee Tribute, to doe them Honour, and the Magistrate accepting their place and power, doe thereby ingage to doe the people justice: Provided always, that yee continue to do well. Such persons then, as will not honour the Magistrate, by keeping order, and observing Law, must bear the punishment of their disorder against the Law, the Magistrate beareth not the sword in vain. Although

Although unjust men know no shame, Zeph. 3. 5. yet just governors (cannot but) countenance them that doe well; even for very respect of Nature, and to safe-guard mankind against persons unnaturall, for the judgement is the Lords, and they judge for the Lord, with whom is no respect of persons, 2 Chron. 19. 8. The Emperour Trajan is said to give a Sword to the President of the Praetorium with these mandates; *Hoc ense utriusque pro me justè faciente, contra me utriusque, si injusta fecero. i. e. in defensione proprii Corporis, & Nationis;* If the Emperour himselfe should doe unjust things, he allowed the Judge to doe justice, if it were against himselfe, when he should doe evil.

No Liberty to the Lawlesse.

Freedome is to them that doe well, the Law is a defence Sect. 9.
to them that keep the Law, and it is given to punish them
that breake the Law; the Law is for the Lawlesse, neither Na-
ture, Nation, nor Religion, allowes man any Freedome to
doe evill, Praise is to them that doe well, not to the evil doer.
Christians in Rome living as a conquered people, under per-
sons in power, who were unchristian, were directed by Paul to
pay their tribute to them, Rom. 13. 6. and well, if so doing they
might live in peace. It is the goodnessse of any Government
to protect the good, and such as are quiet in the land, but evill-
doers shall be rooted out, Prov. 2. 22. Yee that will (yet) know
no Law, nor be in subjection, where is there a Land, or Na-
tion which hath Lawes, and yet evill men may live as they
list, without rebuke? Pay your tribute (here) then, as did
the conquered Christians in *Rome*, and the captive *Israelites*
in *Babylon* of old, who were bid to submit to the yoke of their
Government, and to pray for the peace of that *City*, for in the peace
thereof yee shall have peace, Jerem. 29. 7. There is no way to Li-
berty in *England* but in well doing; Doe that is good, and thou
shalt have praise of the same, Rom. 13. 3. never strive to recover
to your selves a Freedome to doe evill here, If thou dost evill
be afraid, Rom. 13. 4. but be true, and faithfull to the Com-
mon-wealth of *England*, and the Government thereof, and the
Powers (here) shall be ministers of God to thee for good; in
common humanity we are to love all men, in Nationall com-

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munity, to love the Brother-hood, and in Religion we are to feare God, which three Lawes laid the foundation to that which followes, Honour the King, for Kings themselves were to use their power for the good of all men of the Brotherhood, and of them that feared God, punishing evill doers, and praising them that did well ; and good people were not to malice their Kings, under pretence of a liberty to doe well without them ; provided their Governours rule well, reprobating Malefactours for the sake of wel-affected persons ; men may doe well without Rulers over them, yet well-doers need Rulers over them, both to encourage men in well doing, and to safe-guard them that doe well, against evill doers, who have evill will at the good of Sion, wherefore, use yee your liberty, as the servants of God, 1 Pet. 2. 16, 17.

Sect. 10.

Where no Law is, the intent of the Law is to be followed.

The Law of Nations is *Lex non scripta*, as Mr. Coulse out of Hollinsbed, citing the Lord Hungerford executed for Buggery, when yet there was no positive Law to punish it ; where the written Law comes short, what wanteth, must be supplyed out of the Law of God, and Nature, out of the Laws of right-reason, and common equity, for a terrorre of them that doe evill, and in defence of them that doe well ; New sins require new lawes, as for the Ranters, Lawes have been lately made by this State. I grant, we are much bound to our Ancestors for *Magna Charta*, and other Lawes of common right and Justice, but we need more lawes still, to be made as occasion serveth : necessity made David eat the Shew Bread to preserve his life, otherwise not lawfull for any man to eat, but for the Priests alone. Here David transgressed the letter of the Law, yet following the intent of the Law, he was blameleffe, Matth. 12. 3, 4, 5. See from the beginning the grounds hereof ; the Gentiles had not the Law, i.e. the written Law, but they were a Law unto themselves, for they had *τὸν ἔργον τῆς ψυχῆς* the worke of the Law in their hearts ; their consciences, or their thoughts accusing, or excusing one another, as they did well or ill, Rom. 2. 14, 15. for God had shewed them his power, and God-head, in things that are made, Chap. 1. 20. so that they are without excuse, who vanishe away in their imagina-

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ii

imaginacions from that they know of God, and from that light of God, which shewes men, what is suitable to the nature of God.

But seeing, that where no Law is, there is no transgression, Rom. 5. 13. That is, men are slow to impute transgression to themselves, where there is no Law; therefore the Law entred, that sinne might abound, and that sinne might become exceeding sinfull, Rom. 7. 13. howbeit, when men were instructed out of the Law, and knew the directive power of the Law, they came short of the practick part of the Law; *Thou that teachest the Law, through breaking the Law dishonoureſt thou God?* Rom. 2. 21, 22, 23. And men being *lovers of themselves*, reproved not themselves, when they transgress'd the Law, God therefore stirr'd up other men, and creatures, to avenge the quarrell of his Covenant upon the Lawleſſe. Thus it's said, God made the wicked for the day of wrath, Prov. 16. 4. That is, to execute wrath upon them, that doe evill. For instance, when men worshipped the Creature, more then the Creator; and in the place of God set up a Golden Calfe to worship it, Then Moses cried out, *Woo is on my side? let him come to me, put every man his sword on his side, and slay every man his brother, and every man his companion, and every man his neighbour, and the children of Levi did so, and there fell of the people that day three thousand men,* Exod. 32. 26, 27, 28. All this was for the peoples sinne against the Law of Nature, and of God, and this was done, when yet the state of the Israelites had not formerly enacted a Law to punish that fact; thus Lawes of Nations are by occasion supplied out of the Law of Nature, and of God, according to the wisdome of that State, under which men live, as it is said; *By men of understanding and knowledge, a Land is preserved,* Prov. 28. 2.

Divers kindes of Freedome, of Nature, of Grace, and of Glory.

- I. In the Creation, it was the Liberty of all Creatures, to Sect. 11.
serve God, and man, made after the similitude of God, for God set
man over the workes of his owne hands, Gen. 1. 27, 28. Psal. 8. 6.
This freedome of perfect Nature man foone lost by sinne, and
there-through became a Bond-man to God, till Christ came to deli-

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ver him ; in this bondage of man, Omnes affines sceleris, yea, all Creatures partooke, and are made subject to vanity, not willingly, but by reason of him, who hath subjected the same in hope, Rom. 8. 20.

2. Againe, in the restitution of all things, there will be a glorious Liberty of the Sons of God, when the Creature it selfe shall be delivered from the bondage of corruption into that Liberty, and the expectation of the Creature waiteth for the manifestation of the Sons of God in that glorious liberty, Rom. 8. 19--23. and if this be not the day, there will come a time, when the Sons of God shall be gloriously made knowne, and then all Creatures shall freely serve them, they shall not groane to doe it ; and, That Nation and Kingdome which will not serve them, shall perish, and be utterly wasted, Esa. 60. 12.

3. Also, man hath a Freedome by Grace, and this begins in Christ ; for Christ having redeemed us to himselfe of Bondmen, and made us Free-men in Christ ; we (here) live to recover our selves, to become Free-men through Christ, free indeed ; which Freedome all they obtaine, who by the Spirit are joyned to Christ by faith, and repentance. See 1 Cor. 6.17 : John 8. 36. This freedome of Grace is to repaire the ruines of nature, and to perfect nature into a glorious liberty, which shall be outwardly manifest in the Sonnes of God. *The Kings daughter is all glorious within,* (even here) Psal. 45. 13. but for outward glory ; It does not yet appeare what we shall be, 1 Job. 3. 2. And as for outward liberty in this worke, *Our Kingdome is not from hence,* as Christ said of his, Job. 18. 36. we affe~~t~~ not Lordship over one another ; that government Christ forbade his Disciples, to use, Matth. 20. 25. howbeit we looke for a liberty to serve God, and to lead quiet and peaceable lives, in all godlinesse and honesty, 1 Tim. 2. 1. for this liberty, we pray God, and doe provide against such persons, as kill the Prophets, and chase "Christian men and women, ἐκποντῶν who please themselves, and "are contrary to all men, 1 Thes. 2. 15. that none may harme us for well doing, and that they, that doe well, may have praise of the same ; that well-doers may not suffer wrongfully, and that by Law ; that men may not condemne innocent bloud, Psal. 54. 20. This is all the Liberty we contend for now, till we be

be delivered into the glorious Liberty hereafter. Indeed, ho-
ly men must follow peace with all men; but, if we can have peace,
yet we must preferre holinesse to peace, for, without holiness
no man shall see the Lord, Heb. 12. 14. Holiness is our Birth-
right; It is holiness that gives us hope towards God, and be-
ing borne of God, we may not prophaneely sell our holiness with God,
for peace with men; if Abraham will have in his house an
holy peace, he must cast out the Bond-woman and her sonne both,
though it seemed grievous in his eyes, Gen. 21. 11. our suffe-
rings here for Christ shall end in the glorious liberty of the Sons
of God; wherefore, take forth the precious from the vile, O holy
men, let them returne to thee; but returne not thou to them, Jer. 15. 19.
men, that will not bow to the golden Scepter of Gods mercy, to
doe well, shall be bruised with the Iron rod of Gods Justice, for
their ill doing, Psal. 2.

Divers formes of good Government.

There were Kings of Nations, Gen. 14. 1. but there were in Sect. 12. Israel divers other Rulers, before any King was among them; Moses a deliverer of Israel out of Egypt, after that, seventy Elders, to beare part of the Burden with him, and they judged the people; then Joshua, their Captain-General, who fought their Battels for them; after him, Elders, who were raised up of God, but accepted of the people, to rule in Israel, to guide their Counsels, and to fight their Battels; as Joshua had done, un-
till the times of Saul, and David; and these two persons God did chuse, and the people did approve them their Kings; af-
ter David, the well-affected Israelites chose Salomon their King; all these Governments, Aristocraticall, Democraticall, and Monarchicall, were allowed of God for the peace of them that doe well, and the people lived orderly under them all, and enjoyed much peace; and, if people lived under o-
ther Rulers peaceably (while they did well) afore Kings were in Israel, why shouldest not men in well doing live qui-
etly in England, now governed without a King? where trusty
men in Parliament have resolved the government of this
Common-wealth into another forme; a Government of
States formerly, blessed be God, a mixed Government, equal-
ly

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Iy maintaining the peoples Liberties, and the Rulers safety, their Rulers doing the people Justice, and the peopl: doing their Rulers honour.

Power in the People to chuse their Governours.

Sect. 13. The power to chuse, or approve their owne Governours, lyes in the people *fundamentally*, and after the peoples choyse made, the power of ruling lyeth supremely, and *formally* in the Governours themselves. People well-affectioned to God, and well doing, have the liberty of making this choyse primarily; and secondarily, all the people of that Commonwealth; at first *Samuel* chose *Saul* King, then the people, and *Benaiah Nathan*; and *Zadok* first chose *Salomon* King, the generality of the people freely suffering the choyse; afterwards the rest of the people came in, approved the choyse, and *renewed the Kingdom*, 1 Sam. 11, 12. But the people of Israel gave not their approbation of their Kings, chosen by the better sort, untill the persons chosen had given them some singular proofe of their valour, as *Saul* did; or of their wisdome, as *Salomon* did, when *Nabash* the Ammonite was destroyed, and the City of *Jabeesh Gilead* delivered by the hand of *Saul*; then the people cried, *Who is he that said, Saul shall not reigne over us? bring the men, that we may slay them;* and all the people went with *Samuel* to *Gilgal*, and there they made *Saul* King, 1 Sam. 11. 14, 15. Likewise, when *Salomon* had given Judgement between the two women, both claiming the living childe, they feared the King, for they saw the wisdome of God was in him, to doe Justice. So *Salomon* was King over all *Israel*, 1 King. 3. 28. & 4. 1. Thus (here in *England*) when the Peoples Trustees, by Counsels in Parliament, had often delivered this Common-wealth from their enemies hand, and had from among their Brethren (of the same Nation and Religion) set up Keepers of the Liberties of the people by Authority of Parliament, approving the choyse made, have liberally laid out their persons and estates for the safety of their Rulers, and of themselves.

People may not chuse new Governours without a cause.

Sect. 14. Governours being chosen, the power lyeth in them effectually,

ally, provided they rule well, and their people may not chuse new Governours without the consent, or death of the old, or without the Male administration of Justice in the old Rulers; for in case the old Governours chosen, continue to rule well, the people may not force their consent; but it must be a Free Act of the good Rulers, to desire the people to chuse a New, else if the people causelessly reject well ruling Governours, *they reject the Lord, that he shoulde not rule over them,* 1 Sam. 8. 6, 7, 8. The people may not (without imputation of Treason) cry, *What portion have we in David,* while *David liveth, and ruleth well;* nor have they (at such a time) any cause to follow a rebellious and flattering *Absalom* to doe them Justice; Indeed, on just reason declared, Governours may remit their power to the people that chose them, and people thus re-impowred may (with the same Liberty) set up other Governours over themselves; as *Nathan, Zadok, and Benaiah* made choysse of *Salomon* for King, when *David grew old, sick, Bed-rid, unserviceable, and bad them make Salomon King,* 1 King. 1. 33, 34, 35. otherwise, the people may not change without a caule, and the Governour, or Governours are to use his, or their power for the Common good, that they give no just occasion to dis-engage the people, and to make them change.

The occasion of chusing Governours.

The occasion of people's chusing Governours was the *Court-* Sect. 15. *tries danger,* and the end of that choysse was the peoples safety; which *Samuel implied,* when he faulted the Israelites for desiring a King so unseasonably; at a time when they dwelled safely, and were delivered from their enemies on every side, 1 Sam. 12. 11. Indeed, *Israel were without Rulers sometimes, when all things were in peace, and every man went to his owne inheritance,* Judge. 21. 25. but when *Famine appeared, or when War approached,* then they chose them Governours to feed them, Isa. 3. 5. 8. or to judge them, and to fight their Battels, 1 Sam. 8. 20. when *Judges ruled,* Ruth 1. 1. *Elders, Kings, or Captaines,* and the Governours chosen performing the peoples trust, did thereby oblige the people to stand by their Trustees, and some by the

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Word, preached for them, some by the Sword, fought for them, some by their Pen, wrote for them, and some with heart and tongue, prayed for them accordingly. Againe, when Kings and Rulers did faile their trust reposed in them, they dissolved the bands of the peoples Allegiance towards them; and the people failing of performing their fealty to such Trust-breakers, were spared by Gods appointment; Thus when the ten Tribes fell from King Reboboam for his roughnesse towards them, and the people set up Jeroboam for their King, Judah was from God by the Prophet forbid to fight against them, for the thing was of the Lord, I King. 12. 16. 20. 24. Thus the old Romans cast off Tarquin, and all Kingly Government, for the pride and cruelty of that King, and for the unchastity of his lecherous Sons, and chose them Consuls, who might better consult and provide for the Countries good. Also it is said of Brutus, who was one of their Consuls, That he scourged and beheaded his owne Sons, for attempting to bring in Kings againe, Florus, lib. I. cap. 9.

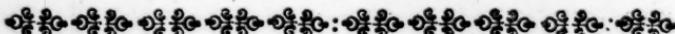
*Just Governours to be upheld by the people.
To the Free People of England.*

Epist.

Dear Fellow Commoners, it hath been declared already, that the best way to settle the Common-wealth in a firme and lasting peace, is to looke backe to rules of equity and justice, to principles of Nature, and right-Reason; to Gods Law, and good Conscience; and every one of you must contribute your utmost hereunto; That power lyeth in you, and there is now recovered your right to use it. Your Liberties have been redeemed to you at a deare rate, and with great expence of Bloud, and of Treasure; maintaine it then, as Free-men, and use your Liberty, not against your selves, but for your selves; Cease mourning for Saul, the King and his Traines, the Body is not destroyed by removing bad humours; let your hearts be towards the Governours of England, who have willingly offered themselves among the people; and to their Servants, who have jeopardized their lives for your sakes; I meane, to the Commons in Parliament, the Councell of State, and their Armies, who have

have not designed upon you for their owne worldly advantage, but have scop'd at your welfare, who by no sensible feares have suffered themselves to be perverted from impartiall Justice, but have bound up your safety and theirs in one. With what reason should they receive the benefits of Law, who deny obedience to the Law ? What priviledge can a proprietary possesse by Law of the Land, who denies to doe that, which even the Law of Nature calls for of him? The non-engaging does not strip him of his priviledge of the Law, but the standing by himselfe without Law, who engages not, brings him into danger ; and certainly, he deserves no advantage by a Garrison, who refuses to help in time of a Siedge ; And having performed their trust, they have declared themselves willing to lay downe their power, not Lord-ing it over you, but leaving the power free to you, for chusing a new Representative, and being set free, chuse for your selves, for yee need Counsellours ; but *Nunquam consilium fuit in populo, nunquam certa & constans vita ratio :* and Where no counsell is, the people fall, but in the multitude of Counsellours there is safety, Prov. 11. 14. only take heed to your choyse, for a wrong choyse brings a plague, as when Israel chose them a Captaine to goe back into *Egypt*, it was said, *They shall not see the Land of Canaan*, Numb. 14. 4. 23. And a right choyse brings safety ; as when Jephthah was chosen an Elder in Israel, God honoured him with victory over his enemies, and the people with safe dwellings under his hand, Judg. 11. 23. As Free-men, chuse men into place of Government, who will preserve your Liberties, men of a publike spirit, and men zealous for the welfare of the people. When Pharaob had heard the wisdome of Joseph, in providing to save the Land from perishing through famine, he said to his Servants, *Can we finde such a man as this is, a man in whom the Spirit of God is ?* and he made him Ruler over all the Land of *Egypt*, Gen. 41: 38. 43. thus Daniel in Babylon was preferred before the Presidents and Princes, because an excellent spirit was in him, Dan. 6. 3. And the Israelites, to better their condition, chose them Saviours ; wise Moses, valiant Joshua, godly Gideon, gallant Jephthah, &c. Doe yee also in your choyse of Sheriffes, Burges, Lieutenants of Shires, &c. provide able men, fearing God,

God, men of truth, hating covetousnesse, that they may judge the people at all times, Exod. 18. 21, 22. He that is greatest among you, let him be as the younger, and hee that is chiefe, as he that doth serve, Matth. 20. 25, Luk. 22. 25. 26. Chase you out from among your bretheren, Governours, who will secure you in well doing freely, and whom yee may freely stand by in punishing evill-doers; let such rule over you, as obey God, and doe not lift up themselves above their brethren, that turne not aside from the commandement, to the right hand or to the left, Deut. 17. 15, 18, 19, 20.



PART. II.

The Priviledges of Parliament.

Positi-
on 1.

Rulers among Christians are not by succession, as the Turkes Governours are; *successio, victoria, &c. Tantum Idoneos reddit;* Succession only makes way for Rulers to come in. It is the Peoples election, that makes Christian-Rulers, in certaine place, *non addit jus ad regnum electio populi, sed facultatem juris exercendi consert:* In which words he plainly acknowledgeth, that his right of ruling (*ad hic & nunc*) over this very people, comes from the election of the people: for all Christian Rulers have their power, either immediately, from the appointment of God, as David was anoynted King; or else from the election of men well-affected to God, thus the Kingdome was Salomons from the Lord, 1 King. 2. 15. And the Kingdome was his, because the Lords people chose him King, even Nathan, Zadok, Benajah and Bathsheba. Not the greater number but the better people, for their affection to God and to goodness; Not for eldership, for Adonijah was Davids Son too, and elder then he, yet he laid aside his claime, when it was knowne to him that Solomon reigned in Israel. And Davids Vote given for Solomon (while yet David was living) plainly

ly shewed, that the ruling of the Kingdome was not by inheritance, but by choice; not by succession, but by election of the people: For that election at first made by a few, was afterward confirmed by all *Israel*, when they saw the wisdome of Salomon, to doe justice and judgement. As was fully declared in the 13. Sect. heretofore.

The very claiming of a void Kingdome or Commonwealth, in the case of succession, is Treason against the free Commoners thereof; yet it may be pardoned on submission of the party claiming, with condition of his keeping Good-behaviour afterwards. This was Adonijah's case, who succeeded David the King; and hereupon made claime to the Kingdome, rid in triumph, made a feast to his adherents, whom he called to Councell; yet he doing obeysance to Salomon, whom the people chose King, the King said unto him, by way of pardon, Goe to thy house in peace: and by way of warning, he said, shew thy selfe a worthy man, 1 King. 1. 5,6,7,8,9--5 1,52,53. It may be it was an error, occasioned from the people freely suffering successours to rule them.

Second-Treasons are not to be pardoned. When Adonijah had acknowledged King Salomons authority, and found mercy upon his first offence: As for him then, unworthily to desire Abisbag, to be his wife, who had laine in King Davids bosome. When Bathsheba represented to Salomon, Adonijah's desire, he bad her aske for him the Kingdome also, for bee is mine elder brother: taking his ambition herein, to be a designe for the Kingdome. And the King commanded Benajah to slay Adonijah forthwith, without any reprivall, 1 Kings 2. 13, 17, 20,22,24,25.

Wilfull murder in a time of peace, is to be punished with death first or last. Who so killeth any person, the murderer shall be put to death, by the mouth of witnesses, Numb. 35. 30. Joab, shed the blood of war in peace; he slew Abner, and Amasa, men more righteous then he, 1 Kings 2. 5. Indeed, David spared him, because the sons of Zerviah were stronger then he, 2 Sam. 3.39. But afterwards, David put King Salomon in mind that he knew it, and that he should punish him for it. Wherefore King Salomon finding Joab one of the evill-counsellours of Adonijah, resolved he

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should have *summum jus*; and though he spar'd the rest of that confederacy, yet he gave sentence against him: And at the Kings commandement Benaiah did justice on Joab, though he was the Generall at that time, and slew him, without any respect of persons.

Pos. 5. No plea or excuse, can serve to cleare a murderer. *Thou shall take no faisfaction for the life of a murderer that is guilty of death, but he shall surely be put to death,* Numb. 35. 31. Joab going after Adonijah, might not longer be spared from death, which, for murder he had deserved, though he had not gone after Absalom, though he had formerly (in Davids warres) done the King good service; Yea; and though he fled to the bornes of the Altar at last, pretending repentance. At the Kings commandement, Benaiah went forth and slew him there, for his murder in King Davids dayes, and for his Treason in King Salomons time, 1 Kings 2. 28--34. And this is Gods rule, *If a man forsake his righteousnesse and commit iniquity, shall he live? all his righteousnesse that he hath done shall be forgotten; and in his sin that he hath committed, he shall surely dye,* Ezek. 18. 34. Which is the case of the revolted Scots, their former joyning with England in Covenant making, and keeping, for the good of both Commonwealths, cannot excuse them, breaking the Brotherly Covenant, proclaiming King over England, a man whom (for his dis-service to this people) this State had declaratively disclaimed; and by their promising to enthrone him in England, against the will of this free people, who had already accepted of another Government. (For in Christian Commonwealths, the right of Rulers lyeth in the vote of the people chusing them (as before Sect. 13.) according to Huskis speech, *Whom the Lord and this people, and all the people of Israel chuse, his will I be,* 2 Sam. 16. 17.)

There was a Covenant between Benjamin and the rest of the Tribes of Israel, and that as strong a Covenant, as ever was between England and Scotland, for they were brethren; but when Benjamin brake the bonds (in the matter of Levi's wife, her death, and banishment) they dissolved the bands of brotherhood, and Israel (being then set free) brought the malefactors unto condigne punishment, and the men of Gibeah also, who (after

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(after Israels demand to them made) kept back the offenders from the tryall of justice, as accessaries to Benjamins fact, *Judg. 20. 13,14.* Which also, was the very case, and the first breach between this Parliament and the late King C.

No Treason is to be tolerated, without all punishment, though less punishment be laid on men for the first offence. *Abiathar* the Priest was an evill Counsellor of *Adonijah's*, and hel-
ped him forward, *1 Kings 1.6,7,8.* Yet King *Salomon* would not (for that fault) put him to death; because he bare the Arke before David his father, and because of his sufferings with David. Howbeit *Salomon* did sequester *Abiathar* from his place, and the profits thereof, saying to him, *Get thee to thy fields at Ananloth, vers. 27,* and put in his place good *Zadok*, who chose and anoynted *Salomon King*, *vers. 35.* Neither did *Zadok* scruple to accept of the place, because it was a sequestration, but he ministered to King *Salomon* in the room of *Abiathar*. Which example is a justification of our State in their censures of that sort, and of Ministers, by them put into sequestrations, who in their places do serve the souls of the people faithfully.

Judgement on Malefactors, and sentence may be given upon' si-
lence of the party charged, where the fault is palpable. Slanderous *Shimei*, was reprimed by *David*, in die coronationis, *1 Sam. 19. 22,23.* And confined by King *Salomon* three yeares. But for treasonous breach of his Oath and Articles, King *Salomon* on his silence to the charge, judged him to death without further confession or conviction, and *Benaiah* slew him at *Salomon's* command. This was King *Charles* his case, who also was condemned to die on his silence to his Charge read to him, the things charged on him, being palpable, proveable, and deserving death, in the eye of the Judges.

The execution of justice on evill doers, is the peace of them that doe well. For hereupon it is said, *The Kingdome was established in the hands of Salomon.* There would not have been any stable, firme, and lasting peace in his Kingdome, had hee not executed impartiall justice on the breakers thereof, See *1 Kings 3.ult.* A fit presidient for the States of England.

The Priviledges of Parliament.

*To the Supreme Authority of the Parliament, Councell of State, and
High Court of Justice.*

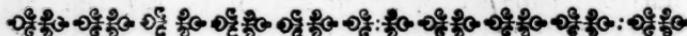
Epist.

Most honour'd Commons of England, Civill Governments are ordered by the Lord, The most high ruleth in the Kingdomes of men, and giveth them to whomsoever he will: The translation of the Rule of this Nation from Kings to your Honours, hath received large testimony from heaven, giving you the hearts of this people, and giving them hearts to jeopard their lives to serve you, and giving you so great salvations by the peoples meanes. Oh! that all the Lords people might consent in one, to render unto your Authority (which God hath so signally blessed to this people) all chearfull and faithfull obedience in the Lord for conscience sake, and that in thankfulness to God, who hath so blessed your Counsels for our welfare; That although, for the transgressions of this land many have been the Princes thereof; yet by your wisdome and prudence, the people may be preserved, henceforward. I know yee are not given to change unnecessarily, and what necessity hath lyen upon you (the people's Judges) for the change past, yee know. My humble request is, Now Supream power is by the people intrusted with your Honours, *Magistratus officium est, ut defendat innocentes, & puniat petulantem.* P. Martyr. It is the Magistrates office, to defend the innocent, and to punish the wrong doer. Let good people (who shall have praise of God) in their wel-doing, have praise of you. Let evill doers know your justice without partiality, quit your selves like men; be strong, love them, that love the Lord. That as good men in well-doing suffered wrongfully, and formerly were made to suffer, now evil doers may flye before your justice, and you may render to them, as they have served us. For God setteth the poore on high from affliction, the righteous shall see it and rejoice; and all iniquity shall stop her mouth. Thus, the Almighty shall be with you to settle this Commonwealth in peace. As sometimes Israels Kingdome was established in the hand of Salomon. And knowing the same power lyeth in you, I thought it my duty to present your honours with Salomons proceedings, in following whose steps, *The eare that beareth you shall blesse you, and the eye that seeth you*

feeb you shall beare witnesse to you ; when yee deliver the poore that
 cry, the fatherlesse, and him that hath no helper, the blessing of him that
 was ready to perish shall come upon you, and so yee shall make the widowes
 heart to leap for joy ; yee shall put on righteousness as a robe to cloath you,
 and judgement as a diadem ; while yee are eyes to the blinde, and feet to
 the lame ; while yee shall be fathers to the poore, and shall search out the
 cause that came unto you, while yee shall break the jaws of the wicked, and
 take the spoyl out of their teeth, Job. 29. The powers that be here are your
 selves, the enacting and the executing Lawes for the Common-
 wealth lyeth in your power ; the Taxes lately raised have not
 bin for the private use of your selves, or of your Children, that
 is forbidden of God, Ezek. 46. 18. but they have been indiffer-
 ently levyed upon your selves, and upon the people, in defence
 of the whole Common-wealth, and that but for the present neces-
 sity ; in which case, King Saul tooke of the peoples goods, for
 the peoples good, and was blameleſſe, 1 Sam. 12. 6, 7. Leagues
 with Idolaters may yee not make, Judg. 2. 2. Deut. 7. 2, 3, 4,
 5, 6, 7, 8. But if any such among you have made their peace
 with you, they living peaceably by you, and paying their
 tribute to you ; keep faith with them, as Joshua did with the
 Gibeonites, Josh. 9. for if yea purposely make Covenant with
 Idolaters, and the people joyne therein, yee and they make
 your selves, and them, liable to Judgement upon the
 Nation from the Lord, Judg. 2. 11. On the other side, if the
 people joyne not with you in such Covenants, your Cova-
 nant-making with them, will make continuall strife among
 your selves, until yee all be utterly consumed. When King A-
 maziah fell from the Land, the people slew him, 2 Chron. 25. 27, 28.
 according to that is written, 1 Sam. 12. last. But doe yee for-
 bear League-entering with those that hate the Lord, and yee
 shal strengthen the bands of love among your selves, that love
 the Lord, and against the Common enemy. Doe yee judge the
 fatherlesse, and the widow, releave the oppressed, and yee shall en-
 gage God on your side, against the Armies of the Aliens ; where-
 fore, if the Land of their possession be unclean, let them returne to you.
 Doe not yee passe for their peace, but trust yee God for set-
 ting peace in your borders ; And yee shall dwell on high, your
 place of defence shall be the munitions of rockes, your bread shall be given
 you.

The Rights of the Souldiery.

you, and your waters shall be sure. Which is the confidence of your daily Oratour, who writeth these things.

**P A R T. III.***'The Rights of the Souldiery.'*

A Conference delivered.

1. Obj.

Answ.

WHAT, nothing but effusion of bloud (still) Mr. *A*? Who desires it? saving that the necessity of the Cause calls for it. For God taketh no pleasure in the death of the wicked, Ezek. 33. 11. yet doth he order bloud and death to the wicked; *I will require the bloud of man, at the hand of every beast, and at the hand of every man,* Gen. 9. 5. If any man hate his neighbour, and lye in waite for him, and rise up and kill him, and smite him mortally that he dye, the Elders of his City shall send and fetch him thence, and deliver him into the hand of the avenger of bloud, that he may dye. Thine eye shall not pity him, but thou shalt put away the guilt of innocent bloud from Israel, that it may goe well with thee, Deut. 19. 11, 12, 13. To this purpose it is said, The sword of the Lord, and Gideon, Judg. 7. 20. when God had punished the world of the ungodly by the Floud, God smelt a sweet savour of rest, Gen. 8. 21. shewing, that when Judgement was done on the ungodly, the anger of God was then appeased. Alaine, it was said, Then stood up Phineas and prayed, saith one, executed judgement, saith another; shewing, that judgement should be executed with prayer, not with sensuall pleasure. So, Judgement being executed, the plague ceased, Psal. 106. 30. Phineas was a Priests Sonne, no ordinary Magistrate; his office was to pray, to strike besmeared not his place: yet when he saw the abominations of Zimri and Cozbi, done in the face of the mourning Congregation, he executed judgement, not judicially, but suddenly, and with a Javelin thrust them both thorow, that they dyed. This he did on them, though Princes, without any respect of their persons,

sions, or of the peoples ill-will for his so doing. And God approved the fact done, for the plague ceased from the people; and God gave unto Phineas (for this his zeale) the covenant of an everlasting Priest-hood, Numb. 25. 6, 7, 8--11, 12, 13. Thus *Mattibias*, and his Sonne (where Commissioners came from King *Antiochus* to the City of *Medin*, to compell the *Israelites* to forsake God, and to sacrifice to his Idols) refused to hearken to the Kings Commandement, to transgresse their religion, protested against that wickednesse, slew one of the Jewes that did sacrifice on the Altar, killed the Kings Commissioner, who compelled him to doe sacrifice, and destroyed the Kings Altar, I *Maccab.* 2. 15--18. 19--22, 23, 24, 25, 26. Thus bare he a zeale to the Law of God, doing as *Pbineaas* did to *Zimri* the sonne of *Salem*; whereupon he invited all that were zealous of the Law, and would stand to the Covenant, to follow him; then many set themselves in Battell against them, ver. 32. but there followed *Mattibias* all that fled for persecution, and they smote the wicked in their wrath, and the ungodly in their anger, ver. 42, 43, 44. 48. so they recovered the Law out of the hands of the Gentiles, and out of the hands of Kings, and gave not place to the wicked. Thus did (after him) *Judas*, Chap. 3. 44. and then, ch. 9. 73. *Jonathan*, who governed the people, and destroyed the ungodly out of *Israel*. Nextly, *Simon*, chap. 13. 1. and likewise *John*, sonne of *Simon*, ver. 54. and chap. 16. Lastly, *Judas Maccabeus*, and his brethren, *Simon*, *Joseph*, *Jonathan*, 2 *Maccab.* 8. 1--22. Fighting with their bands, and praying with their hearts to God, slew three hundred and fifty thousand men, ch. 15. 27--32, 33. cutting off *Nicanor's* head and hand, and his tongue into many peeces, for his blasphemy against God, whereof you may read more, chap. 15. 3, 4, 5. In like manner the English Souldiers have punished evil-doers, who being the Magistrates Servants, have been by them required, (as the *Posse comitatus* wont to be called by the Sheriff of a County) when Malefactours were too numerous, and too strong for their Rulers, yet have they neither sack'd, fiedged, nor spoyl'd any City, nor waged warre against any place; but where (on summons first given them) the party's concerned did refuse peace proffered to

them ; in which case they have warrant to smite, and spoyle too, Deut. 20. 10, 11-17.

Quest. 2. Why, what occasion is there for this shedding of bloud ?

Ans. The occasion is the punishment of evil-doers, and the praise of them that doe well, 1 Pet. 2. 13. chiefly, to preserve the life of innocent persons. Watchfull shepherds, doe not desire the death of the Foxes, simply in their kind ; but in order to the safety of the innocent Lambs. And thus it is said, Cant. 2. 5. *Take us the Foxes, the little Foxes that spoyle the vines.* Christ's own Vines must not be neglected, in pitty to the Foxes of the Wood, but the Vines must be preserved by the punishment of the Foxes. And who are these Foxes, but such people as do spoyle the tender Vines ? then such persons as would have these Foxes spared, are well-worthy to have their Vines spoyled, and their Lambs killed too ; for so did not *Salomon*, who executed Justice on ill-affected persons in their evill doing, in order to the peace and welfare of them that doe well, 1 King. 2. Who then shall blame our State? who Shepherd-like, doe take us the Foxes to safe-guard the Lambs, or persons simple concerning evill.

Ans. 2. 2. Whereas you cry out of the effusion of bloud, to spare the guilty ; I perceive you never lament the bloud of the innocent, who are well-affected to God and the Parliament ; when that hath been spilt like water on the ground, and there hath been none to gather it. But, *Theu lovest thine enemies, and hatest thy friends, who have saved thy life ; Theu regardest neither Princes, nor Servants, for if Absalom had lived, and all we had dyed this day, it had pleased thee well.* If Parliament, and people, fearing God, and honouring them, had abed, instead of the Earle of Darby's company, it had pleased thee well, see 2 Sam. 19. 5, 6.

Obj. 3. But you, on dayes of Thankes-giving, read (in triumph) *The Horse, and the Rider, is throwne downe in the midst of the sea.*

Ans. If *Moses* did well to sing Gods praises, when *Israel* was delivered from their *Egyptian* Bondage, and to write so, as no doubt he did ; we may also read what he hath written, having the like occasion, so it be with the same affection. Christ bids his Disciples, look what spirit they were of, Luk. xi. 53, 54, 55. when

when these produced their warrant for their praying, as Elias did; so when we praise God in Moses words, we are to see it be done in *Moses* his spirit, and we may doe it; for whatso-ever things were written afore-time, were written for our learning, Rom. 15. 4. And in the Holy Scriptures we learne to give thankes, (not for bloud of men shedding, (as some slanderously affirme that we doe, whose damnation is just) But, we rejoice for the punishment of wicked men, for the reward of the righteous men, and for the Justice of God in both. *The righteous shall rejoice when he seeth the vengeance, he shall wash his feet in the bloud of the wicked, so that men shall say, Verily, there is a reward for the righteous, verily there is a God that judgeth the earth,* Psal. 58.

10, 11.

Lord, there is no Law, nor Church, nor State; but every one does Obj. 4. that is right in his owne eyes.

Yes, here is Law, to punish the lawlesse; here is a Church to Ans. instruct the ignorant, and to correct them, that live in error; and a State, that is a terror to them that doe evill, and a minister of God for good, to them that doe good, Rom. 13. 4, 5.

Here is a Law, that bids, *Submit your selves to every ordinance of man for the Lords sake, whether unto the King as supreame, or unto Governours, as to those that are sent by him, for the punishment of evildoers, and for the praise of them that doe well,* 1 Pet. 2. 13. In which words is a justification of our Lawes, being for the punishment of evil-doers, and for the praise of them that doe well; and a justification of our State too, to be as much an Ordinance as the King, they both were ordained of men, they both were chosen by the people, to assemble together for enacting good Lawes; and the Commons of England assembled in Parliament, have had further confirmation from the people, since they were without a King, in their unanimous Banding, and warring against the Scots at Worcester; and the people doe well to submit, for the Commons (in the first constitution of this Parliament) were by the people equally intrusted with the power of Government, as the King was, they were Powers, as well as he, and it became not them (sitting for the Common-wealth's good) to faile their trust, or to dis-use the power given them in trust, although the (then)

King brake his trust, and used his power, not for edification, but for destruction of the Weale-publick, he with-holding evill-doers from the triall of Justice, as by the Parliaments Declaration, of no Addresses to be made to the King doth appeare. He gave Passes, and Warrants to convey away divers Persons questioned by the Parliament for their Crimes.

Suppose a Father, and his Sonne, made joyned Feoffees in trust, for conservation of a Minors estate, the Sonne is (in order of Nature) inferiour to the Father, but consider him in a Politick capacity as a Trustee, and the Son hath power equal with his Father; neither may the Son waste the estate intrusted with them both, though the Father doth so; yea, the Son must preserve the estate according to his trust, although his owne Father waileth the estate contrary to their trust; yea, it were but right, and duty in him that keepes his trust, to bring the Defaulter to the triall of Justice, for fayling his trust; *He that loveth father or mother more then me, is not worthy of me, Matth. 10. 37. yea, and he that hateth not his owne life also, to follow Christ, cannot be my Disciple, Luke 14. 26.* Men of Publick trust must hate their owne lives for Christ, and must lay aside all private interests, (of losse and gaine) for the Publick good. Thus the late King, and the Parliament, were as the Father and Son, both alike intrusted with Englands Common-wealth, and as Trustees, they had equal power to defend, and safe-guard the people; and the Parliament performed their trust, even against the King, who failed his trust committed by the people to him, and to them. Again. A Father and a Mother are equally impowered, to bring up, nourish, and cherish children given to them both: now, imagine the Father should endeavour the destruction of the Childe, as Saul attempted Jonathan's death, yet may not the Mother see, nor allow the same, but preserve her children rather, as the Midwives in Egypt did, not fearing the Kings commandement. Even the Hen provides to save her Chickens from devouring vermine. It was said, *Kings shall be their nursing Fathers, and Queenes their nursing Mothers, Isa. 49. 23.* And Commons in Parliament are set for such, and if Kings have been (as Nimrod) mighty hunters before the Lord, it became the

Com-

Commons to be harborers of the people, against the strife of Kings : In cases personal, flee ; in cases Nationall, Fight ; *Leges naturae, non abolentur in evangelio etiam subditis adversus dominos Grassatores, concessa est defensio proprii corporis, conjugis, &c. contra injustam crudelitatem, Bucanon de Magistrat. q. 77.27.*

The Lawes of Nature are not abolished in the Gospell, even to Subjects is granted the defence of themselves, their wives and their children, against the unjust cruelty of oppressing Princes.

Thus we have seen here, who be our Governours, what is their power, and what be their Lawes ; how they are intrusted, to rule well ; and that the people must submit to them in so doing, and to their Lawes made by them for the peoples welfare. So here in England, even now is Law, the same that Christians in primitive times were commanded by.

2. Here is a Church in England, though without Bishops ; for in our Saviour Christs time, before Bishops were, there was a Church, *Upon the rocke of Peters faith confesssed, Matth. 16.15,16.* And this was before there was yet any superiority of disciples or of Ministers. For what preheminence had the twelve Disciples over one another ? who were alike called by Christ, alike sent forth into the world, and had the same successse to have the spirits subiected to them , In Christ their masters daies ; and the same parity was among the seventy Disciples, as among the twelve. Peter (as the mouth of the rest) had the honor to confess Christ, the sonne of God, that rocke, on which the Church is built. But Christ forbids his Disciples to exercise Lordship over one another, as the Gentiles did, saying, *Hee that will be greatest among you, let him be as him that serueb, Matth. 10.42,43.* Let them be more zealous, active, and more exceed in their service, who have received from God more excellent parts.

Againe, there was no Bishops, nor Bishops over Bishops, when it was said, *The Lord added to the Church, such as shoulde be saved, Acts 2.41,47.* Where the Church consisted of them that beleaved, having heard the word, and were to be saved. No mention of Bishops nor of Officers under them. Then afterwards we read of Deacons, *Acts 6.* And of Elders, *Act. 14.* and of a

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Church at Corinth, 1 Cor. 1. 1. yea, seven times mentioned in 1 Cor. chap. 14. when in the Church every one spake according to his gift, *as anything was revealed to him that sat by*, ver. 30. The Saints made a Church at Corinth, though yee read not of any Bishops there then.

Indeed Paul 1 Tim. 3.5. doth speake of Bishops, *Ruling their owne house, and taking care of the Churcb of God,* and 1 Tim. 5.17. counts them worthy of double honour, *who labour in the word and doctrine,* and Tit. 3. 9. he commands that they be able by sound doctrine, to exhort, and convince the gain-sayers. But Peter bids them, *Feed the flock of God, as much as in you is,* and be not Lords over (or over rule not) that heritage, 1 Pet. 5.2,3. *καταχειρίζεσθαι τὸν κληρόν.* Where note, that there ought to be no Lords Bishops over the flock of God; And that the people, called the flock of God (because purchased with the blood of Christ,) are Gods Clergy, as much as Bishops. That Elders are to feed the flock of God, and by feeding them to exercise rule over them. And the highest person in the Church, that hath highest place among the people, hath but the power, *μονάχειρ* which signifieth to feed, and Matth. 2.7. to rule, and expresse a kind of simple rule, and authority, such as by feeding the sheep, shepheards have over them. Here it appears, that when the Church of God had Elders to feed them, no men might be Lords therein, nor over-rule them, but feed them rather: And yee may observe, that when Paul, 1 Cor. 12.28. mentions *helps in Government,* he names *Apostles, Prophets, Teachers, Workers of Miracles;* But he names not either Bishops, Elders, or Deacons: Shewing, that they are not (*that unum necessarium,*) mainly necessary in the Church. And however they are (by some) numbred among helps in Church Government; yet if they be not mainly necessary, they are not greatly to be contended for: for helps in Government, are (but) of the *benē esse,* not of the *esse* of the Church; for there was a Church, and a Church governed, before Bishops were in being, or once so much as named in the Church of God. And although these pretended helps in Government, be taken away from amongst us; yet here is a Church in England stil without Bishops: For generally, the Bishoppes did (but) pretend to help in the Government

of the Church, the most of them found occasion against both Ministers & People, concerning the law of our God, Dan. 6.5. who (proving a snare instead of an helpe) were justly taken away, the Church of England stil abiding a Church without Bishops.

And if your meaning be, That we have no Church, i.e. No calling to the Ministry in the Church, because there bee no Bishops to give ordination.

I Answer, we must soberly distinguish (as before, between the Essentials and the Circumstantialls of a Church, so here) between the *Essentials* and the *Circumstantialls* of a Ministers Call.

The *Essentials* of a mans Call to the Ministry consists in Christs gifting men for the office; or in Christs putting into mens hearts the word of reconciliation, to minister thereof to men, 2 Cor. 5.20. 2. In his giving such men willing hearts to preach it 1 Cor. 9.16. Ordination it self, is but "an act of conveniency in respect of order, not of necessity to give men power to preach the Gospell. And for ordination by Bishops, that is a circumstance less necessary to the Ministers Call. It had its time, to become expedient for such as would enter in by the door (which is Christ;) but ordination by Bishops was never absolutely necessary to a Ministers Call.

The Circumstances convenient to the Call of a Minister, be divers, 1. Some be *primo necessarie*, and precedaneous to ordination in this Call. As 1. Nomination from among believers, such as have gone in and out with us, this *Justus* and *Matthias* also had, Act. 1. 2. Imposition of bands with prayer, which came instead of casting of lots. 3. Examination of men unknowne, 1 Tim. 3. 9,10. 4. Separation to the worke of the Ministry which *Barnabas* and *Saul* had, Act. 13. Which also, is called (of some) by the name of *Ordination*; and indeed, hath been in use (as here we see) before there were Bishops to use the same.

2. Some Circumstances, be succedaneous to this Ordination of Ministers. As 1. Recommendation from knowne Ministers, which *Titus* had, 1 Cor. 16.10. 2. Election to some place, which *Paul* had to *Macedonia*, Act. 16.4. 3. Approbation of the people, in that place, Who gave up themselves first to God, and then

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ibidem also to us by the will of God, 2 Cor. 8.5. All these Circumstances, doe respect the Bene esse, or the good constitution of the calling to the Ministry; but the esse of their Call, requires them not, ordination is no part of the Ministers Call from God; for Christ is the doore, Christs gifting men for it, and his inclining gifted men to minister of that they have received, is that *unum necessarium* to a Ministers Call. Such an one glorifies not himselfe, to be called a Minister of Christ, but, bee that is called of God Heb.5.5. For this cause, the Bishops (at the ordination of Ministers) had in use to move this Question, *Are you perswaded, yee are truly called to this Ministratiōn?* Vide, *Book of making Bishops, Priests and Deacons.* Other men have sent forth Ministers to the work, as well as Bishops, and other people have called Ministers to the places of their ministratiōn; As hath been already proved. From all which premises, it is plaine that the people of England have a Church, and have Ministers lawfully called, even now, though there be no ordination of Bishops to make them such.

3. Here is a State, though without a King, as *Israel* of old had, before there was any King in *Israel*. And when that Commonwealth (after *Joshua*) ruled by Elders for three hundred seventy nine years together. See the book of Judges: and those Elders obtained a good report through faith, Heb. 11. Al this was don before (yet) God gave them a King in his wrath, and before King *Saul* plaid the Tyrant over that people, as an executioner of Gods wrath, which was spoken of him, I Sam. 8.11--18.

True Kings, Bishops and their Laws were set up by men for helps in Government of this State, Church, and Commonwealth; but the people lacking help of them, and being snared by them, they have been rooted out by the Trustees of this Commonwealth; yet in want of a King, here is a State still: In the want of Bishops, here is a Church still; And in the want of (the Statutes of *Omri*) the Bishops Lawes, I mean, their lacks not Lawes to Rule and Governe the people by, even now; though lawlesse persons grudge, and acknowledge them not, for even the Souldiers, or some of them have (by law) suffered for their own evill doing.

Wherefore if men doe onely that is right in their own eyes,
it

it is not for want of Rulers, nor with the toleration of the Magistrate, let not our State bear blame for that.

But why may not he (meaning the King of Scots) desire his Obj. 5.
owne, his owne inheritance? Answ.

No man can be right Heire to any earthly Kingdome, since Christ the Heire of all things was deprived, and Crucified; Duke William got his power over this Kingdome, not by inheritance, but by Conquest, and the Heire was (in this Family) put besides the Crowne, and many more since that, as *Elevtherius Philadelphus* largely sheweth; Now the King of Scots (for whom you plead) must either plead Conquest from the Conquerour, or succession from his Father (because you say this Common-wealth is his owne) whereas indeed, neither Victory, nor Succession gives any man right to reigne over a people, only *Reddit idoneos*, it makes men fit, *Vui Rex Jac.* Moreover, the Kings of England, were formerly such as the people did chuse, as Mr. Cooke in his Appeal hath observed, from the forme of their Oath; for when Kings of England were Crowned, they bound themselves by Oath to rule the people according to the Lawes of this Nation; also, the people either chose, or accepted them for their Kings, hereupon engaging their Allegiance to them. The old King Charles, by his Hostile Breaches of his Oath, dissolved the people from their Bond, and from their Obedience too; he forfeited his Kingdome, and ceased to be King. As for the King of Scots, he had neither election, nor approbation from this Common-wealth, nor from the Representative thereof, the Commons in Parliament; and his claime without the peoples consent, gives him no more title to reigne here, than *Absalom* had to rule *Israel*, who designed to be King, while *David* was King there, and ruled well also; for so the People of England have chosen, or accepted other Gouvernours, according to their Liberty; their Liberty being, as theirs was in the Common-wealth of *Israel*, who defied Elders, Judg. 8. 23. Chap. II. 6--11.

Ab, they have taken away the life of the former King, a verious King, a Divine King; and they will have none of his Race to reigne after him.

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If his life be taken away, it was not for his vertue, nor for his Divinity neither. Where were his vertues seen, in his last governing? he proclaimed, and waged warre against his best Subjects, the Parliament, and his good People; was this a vertue in a King, set up to fight for the People? for this, the Commons of England in Parliament have declared him a Tyrant: now Tyranny is no vertue; and when (in the face of Death) he used a forme of Prayer taken out of Sir Philip Sidney's *Arcadia*, he proved himselfe neither Vertuous, nor Divine; and if his Sonne walking in his Fathers steps, be also cast off from reigning in England, it is according to Gods Law. If he beget a Sonne that is a shedder of bloud-- shall he then live? he shall not live, he hath done all these abominations, he shall surely die, his bloud shall be upon him, Ezek. 18.9-13. by which Law, he is cast out of this Kingdom, and out of the Land of the living too. Thus Jehu rooted out murderous Ahab, and all his race; so Jehu slew all that remained of the house of Ahab in Iezreel, and all his great men, and his Kins-folke, and his Priests, untill he left none remaining, 2 King. 10. 11.

True it is, Kings were of old Divine, being promised of God to Abraham, Kings shall come out of thee, Gen. 17. 6. And some were by Gods appointment anoynted Kings, as Saul, and David; but of all Kings since Christs death, it may be questioned, Whose are all these? For after the Scepter departed from Shiloh, what man, after Christs death, was ever Anoynted King by Gods Command? After the Jewes had killed the Sihors, they said, So the inheritance shall be ours, Mat. 21. 38. It became (indeed) theirs by force of violence because they seized on it, nor by course of Nature, nor by inheritance, nor gift, but Conquest made Kings; Kings indeed were supreame, *Qui caret in hominibus preirent & praeulerent*, To use King James his phrase, that they may excell others in doing service to the people, as well as being in place above the peoples, to go magnifie their Name, but to make Kings of the Country; But even Kings, with all their supremacie, were all (but) Kings of this World (after Christ) their Kingdome, Kingdome of men, Dan. 4. 17, being chosen by men, as the Kings of the Nations at first, Kings of the earth, 2 Chron. 9. 22, 23-26. Kingdomes

domes of this world, Revel. 11. 15. They were ~~as soon as~~ ^{as soon as} an Ordinance of man, 1. Pet. 2. 13. So, changeable they are, as the people see just reason and cause for it, E. Philodem. p. 56. altering the forme of Government for the substance sake, and preferring the greater before the lesse; even Religion towards God, and the Liberties of the people, afore the Person of the King, therein not breaking, but keeping the Covenant, according to the equity thereof; *Vide*, the Declaration of the Army marching into Scotland, wherefore, *The Kingdomes of this world are become the Kingdomes of our Lord, and of his Christ;* and if the Powers that be, doe not ~~over~~, feed the people, by ruling over them, their power shall be (likewise) broken, as this of England hath been, be the Nations never so angry, Revel. 11. 15-17, 18. then no marvell if his servants serve him.

The Brazen Serpent in the Wildernesse was ordained by God, but Hezekiah seeing it abu'd to Idolatry, beat it to powder, threw it into the river, and cald it Nebushtan, 2 King. 18. 4. and if this State have for his pride and tyranny brought this man downe into the dust of death, and rooted out all Kingship after him; *Righteous art thou O Lord, and upright are thy Judgements*, Psal. 119. 137. when King Amaziah turned from following the Lord, they conspired against him, pursued him to Lachish, and slew him there, 2 Chron. 25. 27. 28. no man ever was questioned for it. Thus that English King lived like Reboobam, following the young mens counself, spake roughly, and armed himselfe against his owne people, 2 Chron. 10. 13, 14. 11. 1. and he dyed like Jeferoram, who reigned wickedly, and dyed without being desired of the people, 2 Chro. 21. 19, 20. But he hath received that recompence of his error which was meet; and loath should I have beene to have raked up the dead-mans bones againe, but in defence of the living, and of our just State.

It hath been said, *Pray for your enemies.*

Obj. 7.

Yea, we pray for our enemies, in pity to them, yet not to *Ans.* prosper them; but that they may be kept from evil-doing. Againe, we must discerne between our enemies and Christs enemies, for we may not bid God speed to Christs enemies, who bring not his Doctrine, Job. 10. 11. *Jehosaphat had this warning*, Thou shouldest not love them that hate the Lord,

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2 Chron. 19. 2. yea, David hated them, that hate God, righteously, as though they were his enemies, Psal. 139. 21, 22. and he often prayed against them; Be not mercifull, O Lord, to wicked transgressours, Psal. 59. 5. or, to such as offend of malicious wickednesse. Also we must discerne between our owne private enemies, and the Common enemies of our Country, *Omnis* " omnia Chartates patria complectitur, Cicer. 3 Offic. Private interests are all comprehended in the Publick, he deserves no pitty, who pitties not the Common-wealth, although there be a pretence of pitty to the enemies of our Country. A publick spirit loves Christ afore his Country, and his Country above himselfe; and if above himselfe, then above the enemies of Christ, and of his Country much more; always preferring his Country, and the welfare of them that love Christ therein, above the enemies of his Country (who ever they be) both in our Prayers and Praises, in our Counsels, and in all our services of Peace, and Warre: for the King, and the Parliament are Majores singulis, yet they are Minores Universis, see vox militaris; and as totum universum est maius sub partibus. " A rotten member must not be spared, in pitty to the whole; Ense recidendum est, nec pars sincera trahatur. True it is, in common infirmities the rule is, Forgive, and it shall be forgiven you, Luk. 6. 37. for, Love covers a multitude of sins, 1 Pet. 4. 8. In crying sins, and in criminall cases, the Law is, Thou shalt smite them, thou shalt utterly destroy them, and shalt shew them no favour, Deut. 7. 2. In case of ignorance, we pray for our enemies; Father, forgive them, they know not what they doe, Luk. 23. 34. But in case they offend of malice, we pray against our enemies, Let death seize upon them: let them goe downe quicke into hell, for wickednesse is in their dwellings, and amongst them, Psal. 55. 15.

Q'j. 8. You have power on your side, and your profits, by the State, and no marvell you speake for them.

Anf. I never received reward from the State, to speake for them, yet I have cause in duty, and thankfulness, to speake for them, in as much as I have received from them; and if I speake for them, yet I speake the truth of them. They put the late King to death, 1. Not privily, as Zimri slew his Master, but they brought him forth to his Triall publiquely, and legally; had he

he had any thing to say in his owne defence, for clearing himselfe of the Crimes charged against him. 2. Nor did they this, as *Zimri* flew his Master, in his drunkenesse, a personall sinne against God, and himselfe, 1 King. 16. 9, 10. but they did it for his sins against the Nation, and this English people ; even as King *Jehosb*, who was slaine on his Bed, for cruelty and ingratitude against the Sons of *Iebiada* the Priest, who had anointed him King, 2 Chron. 24, 25. And as King *Amon*, who was slaine on his Bed by his Servants, for his open Idolatry, 2 Chron. 33. 21, 22, 23, 24. 3. They put him not to death pretending a jealousie without cause, as *Saul* would have slaine his Sonne *Jonathan*, for pleading for *David*, and would have killed *David*, for that as long as *David* lyveth, nor *Jonathan*, nor his Kingdome should be established, 1 Sam. 20. 30-33. 4. Not for small matters, as the *Corinthians* went to Law, 1 Cor. 6. 1, 2. 5. Not for a seeming cause, as *Saul* for his rash vowes sake, would have put *Jonathan* his Sonne to death, had not the people rescued him, 1 Sam. 14. 24-27-43, 44, 45. but it was for a cause reall, great, open, and manifest ; a breach of Trust, and of his Covenant with his people ; for setting up his Standard, and warring against the Parliament, who desired, and endesoured to punish evil-doers, whom he favoured. A publike, Nationall Offence ; True, I doe honour this State, and if mine enemy shold write a Booke against me for so doing, I shold binde it to my shoulder ; for God hath honoured them, with many successfull Victories over their enemies, and with much love of persons well-affected to God, and Christ, who also doe returne their honour to God, and to the People that did chuse them, making the welfare and common good of the People their supreame Law, being true Keepers of the Liberties and peace of the People ; and needs must I speake, write, and pray for their peace, Let them all prosper that love them.

*Touch not mine Anointed, and doe my Prophets no harme, Psal. 105. Obj. 9.
14, 15. and how then dare any man touch, or harme a King?*

This question hath been oft moved, and as often answered ; but I say, it were rather to be asked, How dare any man touch, or harme his Prophets, and his People ? which both are

are his anoynted theē, not to be toutbed or harmēd, no not by Kings themselves; for God reprooverb Kings for their sakes, ver. 14. For Kings are not therefore the Lords anoynted, because outwardly anoynted by men. "Oleum, est tantum signum & iudicium Ia:Rex. But the Lords prophets and people were inwardly anoynted and sanctified to be the Lords, vide *Genesius notes in margin*; for the Saints in Christ have this honory, to execute the judgement written against wicked Rulers, with a two edged sword in their hands, to bind their Kings in chaines; and their Nobles in fetters of iron, Psal. 149, 6, 7, 8.

Obj. 10. Yea, but there were Heathen Kings, as it is said, *To execute vengeance on the Heathen, and corrections upon the people*, ver. 7.

Ans. What difference between heathens by Nationall profession, and heathens by un-christian conversation? for what do heathens more then they? In their works they deny him, Tit. 1. 16. They eat up my people, as men eat bread, Psa. 53, 5. and so do these Kings who cease to be Christian in their deeds: Yea, and judgements are written against unchristian Kings, as against heathen Kings and other sinfull men; if yee shall doe wickedly, yee shall be consumed, both yee and your King, 1 Sam. 12. ult. For, their thus sinning, is the case of those circumcised, who became uncircumcised; forsook the holy Covenant, joyned themselves to the Heathen, and were sold to doe mischeife, In the dayes of Antiochus, 1 Macchab. 1. 16. Christian Kings in name, turn Heathens, when they break asunder all bonds of Nature, Nation, and Religion too. And they become punished as heathen Princes be. When Nebuchadnezzar, in his pride became a beast, his own people turned him out among the beasts, until he shoulde acknowledge the God of heaven; that rules in the Kingdome of men, and gives it to whomsoever he pleasetb, Dan. 4. 17, 18, 20, 34.

To the Valiant Commanders, and Watchfull Souldiers.
Epist.

Gentile, and contentfull Souldiers, It was an old Question of one Heriusc, Whether a Christian may in any case go to war? Its answered, he may; for to doe justice and judgement, is more acceptable then sacrifice, Prov. 2, 13. And its answered by Oserius de Nobilit. Christian.lib. 3. *Rerpublica non possit stabiliri, nisi armis*
"rum

"rum praesidio, qui militem tollit, Rempublicam funditus evertit.
"Christus politias non eripuit, sed in melius instruit. The Commonwealth cannot be stablished, unless it be guarded with Armes. Take away the Souldier, and yee overturne the Commonwealth. Christ would not abolishe Civil Governments, but forme them for the better: he neither tooke the axe from the Judges; nor did Paul deny the sword to the Magistrates; nor did John Baptist disarne the Souldiers, but prescribed them lawes of innocency and moderation, Do violence to no man, and be content with your wages, Lu. 3.13.yea, Paul calst the Magistrate, a Minister of God to thee for good, thou doing well; and saith, he bears the sword to execute wrath upon them that doe evill, Rom. 13.4,5.

Indeed, it were much to be wished by every Christian, that all men may contain themselves from doing evil, that there were not this occasion given for punishment, & for war; for, thy people shall be all righteous, then thy officers shall be peace, & thine exactors righteousness, the Lord will hasten it in his time, Isa. 16.17,21. But since that time is not yet, and this cannot (yet) be, yee must remember, That Nation and Kingdome that will not serve thee (God and his people) shall be wasted, v.12. "impetus hostium, est armis depellendus & civium audacia, est ferro reprimenda. The boldnesse of vice, must be reprooved with the couragiousnesse of vertue. Our fathers of old were led by the spirit for the rebuking malefactors; and we know that vengeance in a private matter becomes valour in the case of a Commonwealth. Patience in personall injuryes, does in Nationall wrongs assume a magnanimity invincible, as Joshua did; and it was a fruit of their peace with God, When our fathers undertook Sanctissima Bella contrasceleratos, most holy wars against notorious offenders; for what peace? so long as Jezabells whoredoms, and ber witchcrafts are so many? 2 King.9.22. The end of war upon the wicked, shoulde be the quietnesse and peace of those that are godly and honest. Humbly acquaint your selves with God, and be at peace among your selves. Couragioufly follow the Capitaine of your salvation, patiently carry his croesse after him, faithfully commit the safe-keeping of your souls in welsowing to him, and let us pray also for the peace of Englands Commonwealth. Amen.

FINIS.